House Engrossed Senate Bill

opioid prescriptions; intractable pain; exceptions

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 134
SENATE BILL 1162

AN ACT
AMENDING SECTION 32-3248.01, ARIZONA REVISED STATUTES; RELATING TO
CONTROLLED SUBSTANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-3248.01, Arizona Revised Statutes, is amended to read:

32-3248.01. Schedule II controlled substances; dosage limit; exceptions; morphine; opioid antagonist; definitions

A. A health professional who is authorized under this title to prescribe controlled substances may not issue a new prescription to be filled or dispensed for a patient outside of a health care institution for a schedule II controlled substance that is an opioid that exceeds ninety morphine milligram equivalents per day.

B. The limit prescribed by subsection A of this section does not apply to:

1. A continuation of a prior prescription that was issued within the previous sixty days.
2. An opioid with a maximum approved total daily dose in the labeling as approved by the United States food and drug administration.
3. A prescription that is issued following a surgical procedure and that is limited to not more than a fourteen-day supply.
4. A patient who:
   (a) Has an active oncology diagnosis.
   (b) Has a traumatic injury, not including a surgical procedure.
   (c) Is receiving hospice care.
   (d) Is receiving end-of-life care.
   (e) Is receiving palliative care.
   (f) Is receiving skilled nursing facility care.
   (g) Is receiving treatment for burns.
   (h) Is receiving medication-assisted treatment for a substance use disorder.
   (i) Is hospitalized.
   (j) HAS CHRONIC INTRACTABLE PAIN.
   (k) IS RECEIVING OPIOID TREATMENT FOR PERIOPERATIVE CARE FOLLOWING AN INPATIENT SURGICAL PROCEDURE.

C. If a health professional believes that a patient requires more than ninety morphine milligram equivalents per day and the patient is not exempt from the limit pursuant to subsection B of this section, the health professional shall first consult with a physician who is licensed pursuant to chapter 13 or 17 of this title and who is board-certified in pain, or an opioid assistance and referral call service, if available, that is designated by the department of health services. The consultation may be done by telephone or through telehealth. If the opioid assistance and referral call service agrees with the higher dose, the health professional may issue a prescription for more than ninety morphine milligram equivalents per day. If the consulting physician agrees with the higher dose, the health professional may issue a prescription for more than
ninety morphine milligram equivalents per day. If the consulting
physician is not available to consult within forty-eight hours after the
request, the health professional may prescribe the amount that the health
professional believes the patient requires and subsequently have the
consultation. If the health professional is a physician who is licensed
pursuant to chapter 13 or 17 of this title and is board-certified in pain,
the health professional may issue a prescription for more than ninety
morphine milligram equivalents per day without a consultation under this
subsection.

D. If a patient is prescribed more than ninety morphine milligram
equivalents per day pursuant to subsection B or C of this section, the
prescribing health professional shall also prescribe for the patient
naloxone hydrochloride or any other opioid antagonist that is approved by
the United States food and drug administration for the treatment of TO
TREAT opioid-related overdoses.

E. THE NINETY MORPHINE MILLIGRAM EQUIVALENTS PER DAY LIMIT
PRESCRIBED IN THIS SECTION DOES NOT APPLY TO A PATIENT WITH CHRONIC
INTRACTABLE PAIN ONCE THE PATIENT HAS AN ESTABLISHED HEALTH
PROFESSIONAL-PATIENT RELATIONSHIP AND THE PATIENT HAS TRIED DOSES OF LESS
THAN NINETY MORPHINE MILLIGRAM EQUIVALENTS THAT HAVE BEEN INEFFECTIVE AT
ADDRESSING THE PATIENT'S PAIN.

F. A prescription for a schedule II controlled substance that
is an opioid that is written for more than ninety morphine milligram
equivalents per day is deemed to meet the requirements of an exemption
under this section when the prescription is presented to the dispenser. A
pharmacist is not required to verify with the prescriber whether the
prescription complies with this section.

G. FOR THE PURPOSES OF THIS SECTION:
1. "CHRONIC INTRACTABLE PAIN" MEANS PAIN THAT MEETS BOTH OF THE
   FOLLOWING:
   (a) IS EXCRUCIATING, CONSTANT, INCURABLE AND OF SUCH SEVERITY THAT
       IT DOMINATES VIRTUALLY EVERY CONSCIOUS MOMENT.
   (b) PRODUCES MENTAL AND PHYSICAL DEBILITATION.
2. "ESTABLISHED HEALTH PROFESSIONAL-PATIENT RELATIONSHIP" MEANS
   THAT ALL OF THE FOLLOWING HAVE OCCURRED:
   (a) A PATIENT HAS PHYSICALLY PRESENTED TO A HEALTH PROFESSIONAL
       WITH A MEDICAL COMPLAINT.
   (b) THE HEALTH PROFESSIONAL HAS TAKEN A MEDICAL HISTORY OF THE
       PATIENT.
   (c) THE HEALTH PROFESSIONAL HAS PERFORMED A PHYSICAL EXAMINATION OF
       THE PATIENT.
   (d) SOME LOGICAL CONNECTION EXISTS BETWEEN THE MEDICAL COMPLAINT,
       THE MEDICAL HISTORY, THE PHYSICAL EXAMINATION AND THE DRUG PRESCRIBED.